

**Exhibit "A"**  
**To Complaint**

SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

CREDIGY RECEIVABLES, INC. )  
                                ) Case No.  
                                )  
                                ) COMPLAINT FOR MONIES DUE AND  
Plaintiff,                 ) OWING  
                               )  
vs.                         )  
                               )  
CHLOE R. HAGER             )  
                               )  
                               )  
                               )  
                               )  
Defendants.                 )  
                               )

---

Plaintiff alleges as follows:

FIRST CAUSE OF ACTION

1. Plaintiff CREDIGY RECEIVABLES, INC.

22 is a business organization authorized to conduct business in the  
23 State of Washington.

24 2. Defendant(s) CHLOE R. HAGER  
25  
26  
27  
28 , is/are resident(s) of

WHATCOM County, Washington.

3. As of 03/23/07 Plaintiff is the assignee of

Page 1

file #:078030-0

-----  
COMPLAINT FOR MONIES DUE AND OWING

Sloan Patterson

Eskanos & Adler, P.C.

1111 W. Meeker Street

Kent, WA 98032

800-364-9919; FAX 253-856-7101



1 DISCOVER BANK

2 credit account issued to Defendant(s) by DISCOVER BANK

4 4. At all times relevant to this action, Plaintiff's  
5 predecessor DISCOVER BANK

6 had in effect its credit account on which Defendant(s)

7 CHLOE R. HAGER

9  
10 is/are the obligor(s).

11 5. Defendant(s) is/are indebted to Plaintiff on the aforesaid  
12 account in the principal amount of \$ 17,936.43 , together  
13 with interest at the rate of 012.00% per annum from 03/23/07.  
14 Despite repeated requests for payment, Defendant(s) has/have  
15 failed to pay the account balance due and owing, or any part  
16 thereof, and Defendant(s) is/are now in default under the terms  
17 and conditions of the agreement.

18 6. Plaintiff is entitled to judgment against Defendant(s) in  
19 the principal amount of \$ 17,936.43 , together with costs,  
20 interest at the rate of 012.00 % per annum from 03/23/07, and  
21 reasonable attorney's fees.

22 SECOND CAUSE OF ACTION

23 7. Plaintiff realleges paragraphs 1-6 of Plaintiff's First  
24 Cause of Action.

25 8. Plaintiff predecessor, DISCOVER BANK

26 established a  
27 credit account for Defendant's use.

28 Page 2

file #:078030-0

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COMPLAINT FOR MONIES DUE AND OWING

Sloan Patterson

Eskanos & Adler, P.C.

1111 W. Meeker Street

Kent, WA 98032

800-364-9919; FAX 253-856-7101



1       9. Defendant(s) has/have made purchases and/or taken cash  
2 advances through the use of the aforementioned account but have  
3 failed to pay for those purchases and/or cash advances.

4       10. There is presently due and owing from Defendant(s) to  
5 Plaintiff the principal sum of \$ 17,936.43 .

6       11. Plaintiff is entitled to judgment against Defendant(s)  
7 in the principal amount of \$ 17,936.43 , together with costs,  
8 interest at the rate of 012.00 % per annum from 03/23/07, and  
9 reasonable attorney's fees.  
10

11       WHEREFORE, Plaintiff prays for a judgment against the above-named  
12 defendant(s) as follows:

13       1. For the principal sum of \$ 17,936.43 , plus interest  
14 at the rate of 012.00 % per annum from 03/23/07.

15       2. Its costs and disbursements incurred in this action  
16 and reasonable attorney's fees.

17       3. Such other further and equitable relief as the Court  
18 finds just and proper.

19       DATED: JUN 19 2007

20       ESKANOS & ADLER, P.C.



21       Sloan Patterson, WSBA #28464  
22       Attorney for Plaintiff  
23       1111 W. Meeker Street  
24       Kent, WA. 98032  
25       (800) 364-9919  
26  
27  
28



Exhibit "B"  
To Complaint

Received

8-1-2008

.....

SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

CREDIGY RECEIVABLES, INC. )  
                                ) Case No.  
                                )  
                                ) NOTICE OF INTENT TO TAKE DEFAULT  
Plaintiff,                 ) PURSUANT TO CR 55(a)(3)  
                               )  
vs.                         )  
                               )  
CHLOE R. HAGER             )  
                               )  
                               )  
                               )  
                               )  
Defendant(s).             )  
                               )

BE ADVISED that the undersigned intends to apply to this court for  
a default not earlier than 9/17/07. Copies of the documents  
which are to be filed with the court are attached hereto.

DATED: 8/30/07

Eskanos & Adler, P.C.

Donna J. Smith WASB #37336  
Michael Connolly WASB #39085  
Attorney for Plaintiff

Page 1

file #:078030-0

NOTICE OF INTENT TO TAKE DEFAULT PURSUANT TO CR 55(a)(3)

Donna Smith or Michael Connolly  
Eskanos & Adler, P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919

**COPY**

1  
2 CERTIFICATE OF SERVICE  
3 I HEREBY CERTIFY THAT ON THIS DAY, the 20 day of Aug, 2007,  
4 I placed in the mail, postage prepaid, the attached Notice of Intent  
to Take Default, along with a copy of the Motion and Declaration Order  
Default Judgment, proposed Order of Default and Default Judgment, and  
Declaration of Plaintiff, to be delivered via REGULAR AND CERTIFIED MAI

5  
6 JAMES STURDEVANT  
7 BELLINGHAM TOWERS #310  
8 119 N. COMMERCIAL  
9 BELLINGHAM WA 98225

10 DATED: 8/30/07

11 ESKANOS & ADLER, P.C.  
12   
13  
14 Donna J. Smith WASB #37336  
15 Michael Connolly WASB #39085  
16 Attorney for Plaintiff

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file #:078030-0

NOTICE OF INTENT TO TAKE DEFAULT PURSUANT TO CRONIN, Smith & Michael Connolly  
Eskanos & Adler, P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
(800) 364-9919

Exhibit "C"  
To Complaint

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

CREDIGY RECEIVABLES, INC. )  
vs. CHLOE R. HAGER ) Plaintiff, )  
Defendant(s). )  
                        ) Case No.  
                        ) MOTION AND DECLARATION FOR  
                        ) ORDER OF DEFAULT AND DEFAULT  
                        ) JUDGMENT  
                        )  
                        )  
                        )  
                        )  
                        )  
                        )  
                        )

---

I. MOTION

Plaintiff, by and through its attorney of record, moves the Court for an Order of Default and an entry of Default Judgment against the Defendant(s) CHLOE R. HAGER

, in the principal sum of  
\$ 17,936.43 plus interest at the rate of 012.00 % per annum  
from 03/23/07 to entry of judgment, together with attorney's  
fees, court costs, as requested in the Judgment.

Page 1

file #:078030-0

MOTION AND DECLARATION FOR ORDER OF DEFAULT AND DEFAULT JUDGMENT  
Eskanos & Adler, P.C.  
11124 NE Halsey PMB 680  
Portland, OR 97220  
800-364-9919; FAX 503-262-6830

1  
2  
3       This motion is based on the record and files herein and  
4 affidavits or declarations in support of entry of judgment  
5 submitted herewith and the subjoined declaration of counsel.

6                   II. DECLARATION

7       The undersigned declares under penalty of perjury under the  
8 laws of the State of Washington that the following is true and  
9 correct:

10      1. I am the attorney of record for Plaintiff herein. I  
11 base this declaration on my review of the file maintained by  
12 this law firm with regard to this matter.

13      2. The Defendant(s) was/were served with the Summons and  
14 Complaint on 06/29/07 by personal service within Washington  
15 State. The Affidavit/Declaration of Service is on file with  
16 the Court and a copy is attached hereto as "Exhibit A".

17      3. More than twenty (20) days have elapsed since the  
18 Defendant(s) was/were served and the Defendant(s) has/have  
19 failed to answer or otherwise defend against Plaintiff's  
20 Complaint.

21      4. The basis for venue is that the Defendant(s) reside(s)  
22 within the county.

23      5. Defendant(s) is/are not an infant or incompetent nor a  
24 person in the Military Service of the United States, as defined  
25 in the Soldier's and Sailor's Civil Relief Act of 1940 as  
26 amended by the Service Members Civil Relief Act of 2003.

27      Attached as an addendum is the information that the above

1  
2  
3 statement is based upon. Delcarant is unable to determine  
4 at this time if Defendant(s) are a dependent of a service  
5 member in the military service.

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6. Plaintiff has retained Eskanos & Adler, P.C. on the basis of a contingent fee of all sums collected. The rate that our office has with Plaintiff is a competitive rate, negotiated with Plaintiff after considering competitive bids from other firms contingent fee is proprietary information which we would prefer not to disclose in public records. We believe that our contingent fee percentage is a "reasonable attorney's fee" because it is based upon competitive prices between our firm and Plaintiff.

7. If, in the alternative, the local rules require or the Judge feels that the fees should be based on the amount of time actually expended, I calculate, on average, for collection cases of this type, to date, including preparation of this Declaration, hours of paralegal's time have been spent on this matter, including opening the file, reviewing the claim material and correspondence to Defendant(s) (.3 hr. attorney, 1.0 hr. paralegal), conversations and/or correspondence with the client and/or with the Defendant(s) and/or with the Defendant(s) attorney (1.0 jr. paralegal), preparation and review of the pleading (.5 hr. attorney, 2.0 hr. paralegal). Our office's usual and customary hourly rate for matters of this type is

\$195.00 per hour for attorney's and \$75.00 per hour for paralegal time. This computes to a fee of \$500.00, which figure is reasonable and should be awarded to Plaintiff.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED: \_\_\_\_\_, at Portland, Oregon.

ESKANOS & ADLER, P.C.

---

Donna Smith, WSBA #37336  
Attorney for Plaintiff  
11124 NE Halsey #680  
Portland, OR 97220  
(800) 364-9919

IN THE  
SUPERIOR COURT, IN AND FOR THE COUNTY OF WHATCOM, STATE OF WASHINGTON

CREDIGY RECEIVABLES, INC.,

Plaintiff/Petitioner

vs.  
CHLOE R. HAGER

Defendant/Respondent

Hearing Date:

CAUSE NO:

DECLARATION OF SERVICE OF:  
SUMMONS AND COMPLAINT FOR MONEY DUE & OWING

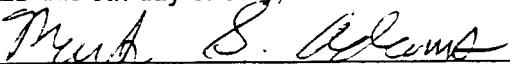
The undersigned hereby declares: That s/he is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **29th day of June, 2007, at 10:25 AM**, at the address of **7753 SHANNON Way, MAPLE FALLS, Whatcom County, WA 98266-7710**; this declarant served the above described documents upon **CHLOE R HAGER**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CHLOE R HAGER, NAMED DEFENDANT**, a person of suitable age and discretion residing at the respondent's usual place of abode listed above.

No Information was provided or discovered that indicates that the subjects served are members of the U.S. military.

Declarant hereby states under penalty of perjury under the laws of the State of **Washington** that the statement above is true and correct.

DATED this **5th day of July, 2007**.

  
\_\_\_\_\_  
Mark S. Adams, Reg. # 1-3792, Whatcom, WA

ABC's Client Name  
Eskanos & Adler, PC  
078030-0/OR3

ORIGINAL PROOF OF  
SERVICE

ABC Tracking #: 4827648



EXHIBIT A

Department of Defense Manpower Data Center

JUL-20-2007 11:11:16



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
HAGER	CHLOE R		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

---

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167; #167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

# Exhibit "D" To Complaint

SUPERIOR COURT OF WASHINGTON  
FOR WHATCOM COUNTY

1 CREDIGY RECEIVABLES, INC. )  
2 ) Case No.  
3 )  
4 ) DECLARATION OF PLAINTIFF IN  
5 ) SUPPORT OF DEFAULT JUDGMENT  
6 Plaintiff, )  
7 )  
8 vs. )  
9 )  
10 CHLOE R. HAGER )  
11 )  
12 )  
13 )  
14 )  
15 )  
16 )  
17 Defendant(s). )  
18 )  
-----

Eskanatos & Adler, P.C.  
1111 W. MEeker Street  
KENT, WASHINGTON 98032  
TELEPHONE: (800) 364-9919  
FACSIMILE: (253) 856-7101

19 I, *Jason S. Williams*, the undersigned declare under  
20 penalty of perjury under the laws of the State of Washington  
21 as follows:

22 I am the *Vice President* for CREDIGY RECEIVABLES, INC.

23 . I am familiar with the record  
24 pertaining to the account of CHLOE R. HAGER

25 , bearing the account number



1  
2  
3 4168100024587956 . On 03/23/07 the balance due  
4 on the account was the sum of \$ 17,936.43 , for which  
5 an account was stated for such amount. Interest has accrued  
6 at 012.00% per annum on said balance from 03/23/07 to today's  
7 date in the sum of \$ 702.00 .

8 There were no written and/or bona fide billing error  
9 disputes made on the account at the time Plaintiff acquired  
10 the account. Defendant(s) have failed to answer the complaint  
11 and therefore have admitted the allegations of the complaint  
12 and debt.

13 Prior to the date of filing the complaint, the account  
14 sued upon herein was acquired by plaintiff through acquisition  
15 and assignment from DISCOVER BANK .

16 Plaintiff is now the owner and holder of defendant(s) account  
17 to the exclusion of all other persons and entities. A true and  
18 correct copy of the bill of sale is attached as "Exhibit A".

19 I further state, upon information and belief, that the above  
20 named individual is not in the military service.

21 I declare under penalty of perjury of the laws of the State  
22 of Washington.

23 DATED this 11/2 day of January, 2007  
24 at Sunnyside.

25 CREDIGY RECEIVABLES, INC.

26  
27  
28 CHARLES FERGUSON  
Gwinnett County  
NOTARY  
PUBLIC  
EXPIRES  
12/18/2010  
STATE OF GEORGIA  
Page 2  
-----  
DECLARATION OF PLAINTIFF IN SUPPORT OF DEFALUT JUDGMENT  
-----  
Signature over line

(Type/Print Name)

file #:078030-0 Sloan Patterson

Eskanos & Adler, P.C.

Kent, WA 98032

800-364-9919; FAX 253-856-7101



# Exhibit 'E'

## To Complaint

FILED  
COUNTY CLERK  
07 SEP 11 PM 12:49  
WHATCOM COUNTY  
WASHINGTON  
BY [Signature]

SCANNED

3

SUPERIOR COURT OF WASHINGTON

FOR WHATCOM COUNTY

11 CREDIGY RECEIVABLES, INC. ) 07 2 02108 2  
12 ) Case No.  
13 )  
14 Plaintiff, ) ORDER OF DEFAULT AND  
15 ) DEFAULT JUDGMENT  
16 vs. ) (Clerk's Action Required)  
17 )  
18 )  
19 )  
20 Defendant(s). )  
21 )  
22 JUDGMENT SUMMARY  
23 Judgment Creditor: CREDIGY RECEIVABLES, INC.  
24  
25 Attorney for Judgment Creditor: Donna Smith  
26 Eskanos & Adler, P.C.  
27 Judgment Debtor(s): CHLOE R. HAGER  
28

\$20 9/11/07

Page 1

file #:078030-0

-----  
ORDER OF DEFAULT AND DEFAULT JUDGMENT

Donna Smith  
Eskanos & Adler, P.C.  
11124 NE Halsey PMB 680  
Portland, OR 97220  
800-364-9919; FAX 503-262-6830

07-9-02761-2

6

Principal Amount: \$ 17,936.43

Interest to Date of Judgment: \$ 702.00

#### Taxable Costs:

Filing Fee: \$ 200.00

Service of Process: § 79-50

Attorney's Fee: \$ 500.00

TOTAL JUDGMENT: \$ 19,417.93

**Post Judgment interest accrues**

Post Judgment interest accrues at the rate of 12% per annum on the total judgment.

## II. ORDER AND JUDGMENT

This matter having come on regularly before the undersigned Judge/Court Commissioner of the above entitled Court upon the Plaintiff's Motion for an Order of Default and Default Judgment against the above named Defendant(s) having failed to appear or file an Answer herein and more than twenty (20) days having elapsed since the date of service of the Summons and Complaint herein, venue being proper in this case, and the Court being otherwise fully advised in the premises, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that the Defendant(s) is/are hereby in default.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff have and is hereby granted judgment against the Defendant(s).

CHLOE R. HAGER

1  
2 in the principal amount of \$ 17,936.43 , plus interest of  
3 \$ 702.00 court costs and disbursements totaling  
4 \$ 279.50 and \$ 500.00 attorney's fees, for a  
5 total judgment of \$ 19,417.93

6  
7 Post Judgment interest shall accrue on the Judgment at the rate  
8 of 12% per annum from 03/23/07.

9  
10 DONE IN OPEN COURT this 11<sup>th</sup> day of September, 2007.

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12  
13 JUDGE/COURT COMMISSIONER



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22  
23 Presented by:  
24 ESKANOS & ADLER, P.C.  
25



26  
27 Donna J. Smith, WSBA #37336  
28 Attorney for Plaintiff  
11124 NE Halsey, #680  
Portland, OR 97220  
(800) 364-9919

Page 3

file #:078030-0

-----  
ORDER OF DEFAULT AND DEFAULT JUDGMENT

-----  
Courtney C. H. Smith  
Eskanos & Adler, P.C.  
11124 NE Halsey PMB 680  
Portland, OR 97220  
(800) 364-9919; FAX 503-262-6830

Exhibit "F"  
To Complaint

JAMES STURDEVANT  
ATTORNEY AT LAW  
BELLINGHAM TOWERS #310  
119 NORTH COMMERCIAL  
BELLINGHAM, WASHINGTON 98225  
—  
TELEPHONE 671-2990  
AREA CODE 360

November 12, 2007

Donna Smith  
Eskanos & Adler P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220

Re: Credigy v. Chloe Hager

Dear Madam:

You sent me a Notice of Intent To Take Default Pursuant to CR 55(a)(3). In the years that I have practiced law, I have only seen such a document once and recently from a neophyte collection attorney from Oregon who was practicing law up here from an Oregon address. If you have obtained a judgment based on this document then you will have to vacate the judgment for this is not the way an attorney obtains a judgment, at least not in Washington State courts. It upsets me when out-of-state attorneys attempt to bring out-of-state practices into Washington when they attempt to take a judgment. It is not my obligation to teach neophytes the simplest Washington civil procedure rules. The rules are there for you to read and follow.

Please let me know.

Yours very truly,

James Sturdevant

cc: Chloe Hager

Exhibit  
To Complaint



ESKANOS & ADLER  
Attorneys at Law

Oregon, Washington  
11124 NE Halsey, PMB 680  
Portland, OR 97220  
Phone 800-364-9919  
Fax 503-262-6830

## Received

November 16, 2007

James Sturdevant  
Bellingham Towers #310  
119 North Commercial  
Bellingham, WA 98225

Re: Credigy v. Chloe Hager

Dear Mr. Sturdevant:

First, let me thank you for your thought-provoking letter.

Second, let me explain the cause of the default. We sent you a notice of intent to take default back in September, 2007. If you had a problem with it, I would expect some kind of response from you regarding that problem. Instead, you simply sat on the notice until judgment issued and the matter progressed. In every other instance where I sent an attorney a Notice of Intent to Take Default under CR 55(a)(3), I received one of two things: 1) an ANSWER, or 2) a letter indicating that the attorney no longer represented the debtor. While the rule, *which I read*, references a hearing, Washington attorneys I spoke with confirmed that the way I handled it was a generally accepted and regularly used procedure in Washington.

You should accept some responsibility for this default judgment, unless, of course, you do not understand what a "Notice of Intent to Take Default Under CR 55(a)(3)" means. Every other Washington attorney understood the implication of the notice and responded accordingly.

Attorney Michael Connolly is reviewing this matter re: vacating the judgment. If you would like to discuss this matter, please contact our office. I expect future communications will be respectful and free of name-calling.

Sincerely,

ESKANOS & ADLER, PC

Donna J. Smith  
Attorney for Plaintiff

I AM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Exhibit "H"  
To Complaint

JAMES STURDEVANT  
ATTORNEY AT LAW  
BELLINGHAM TOWERS #310  
119 NORTH COMMERCIAL  
BELLINGHAM, WASHINGTON 98225  
—  
TELEPHONE 671-2990  
AREA CODE 360

CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR MAIL

November 30, 2007

Donna Smith  
Eskanos & Adler P.C.  
11124 NE Halsey, PMB 680  
Portland, OR 97220

Re: Credigy v. Chloe Hager

Dear Madam:

Thank you for your note. This is a demand letter. Either point out a Washington State court rule that allows you to take a default judgment without setting a hearing when an attorney or defendant has appeared or vacate any judgment you have taken. If you do not, I will report you to the Washington State Bar Association. The document you sent me contained no notice of a hearing date. As such it could not be used to obtain a judgment.

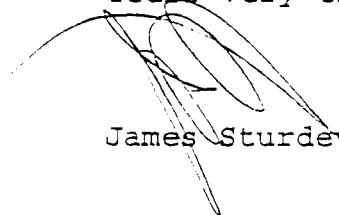
The issue is not what other attorney's do. The issue is what the Washington State Court rules require. And they require that any motion for an order for which an attorney or party has appeared requires notice of a hearing date to the other side as outlined in the court rules with certain very limited exceptions which do not apply in this case. I am not prepared to instruct you in the Washington State court rules. It is your obligation as an attorney to learn and follow them.

I will also take other necessary steps to protect my client's interest.

Thank you for your prompt attention to this matter.

071130LetSmith;  
Hager; Page 2/2:

With best regards,

*Yours very truly,*  
  
James Sturdevant

cc: Chloe Hager